

## **LIVE TREE REMOVAL PERMIT**

<b>FILE NO.</b>	<b>HA15-015-01</b>
<b>LOCATION OF PROPERTY</b>	<b>Northwest corner of Qume Drive and Commerce Drive (2201 Qume Drive)</b>
<b>ZONING DISTRICT</b>	<b>IP Industrial Park</b>
<b>ENVIRONMENTAL STATUS</b>	<b>Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities of the CEQA Guidelines</b>
<b>OWNER/ADDRESS</b>	<b>IPG Photonics, Corporation 52 Old Webster Road, Oxford, MA 01540</b>

After investigation and hearing held pursuant to Chapter 13.32 of the San José Municipal Code, the Director of City Planning finds that:

1. The condition of the trees with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.
  - a. Trees labeled as # 26 and 28 on Sheet L1.01 are located within 3 feet of a gas line.
  - b. Trees labeled as # 27 and 29 on Sheet L1.01 will be impacted by the grading required for the new public sidewalk.
  - c. Trees labeled as # 34 and 35 on Sheet L1.01 will be impacted by the grading needed for the new accessible path of travel and are currently impacting the foundation of the building.

Based upon the above-stated finding, the Director of Planning **approves** the subject Live Tree Removal Permit to allow the removal of six (6) ordinance sized Redwood trees, measuring 65 to 118 inches in circumference from an existing industrial development on a 2.79 gross acre site in the IP Industrial Park zoning district subject to the following conditions:

1. **Replacement Tree.** Within 30 days of removal of the trees, the applicant shall replace the trees removed with twelve (12) 15-gallon trees to be planted on the same property as the trees that are removed.

Alternatively, six (6) trees of the replacement tree requirement may be satisfied by donation of \$300.00 per tree to the "Our City Forest" non-profit organization, (408) 998-7337 or [www.ourcityforest.org](http://www.ourcityforest.org). A donation receipt to "Our City Forest" for offsite tree planting shall be provided to the Planning Project Manager prior to removal of the subject trees.

The applicant shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager within 60 days of removal of the trees, to verify compliance with the mitigation requirements. Such evidence should be labeled **HA15-015-01** and sent to the Planning Project Manager.

2. **Permit Posting.** Prior to commencement of and during removal of any ordinance-size trees pursuant to this Permit, the applicant shall post on the site, or cause to be posted, a copy of this validated Permit in conformance with the following:

- a. The copy of the permit shall be a minimum size of 8.5 by 11.0 inches; shall be posted at each public street frontage within 2 feet of the public sidewalk or right-of-way; and shall be posted in such a manner that the permit is readable from the public sidewalk or right-of-way; or
- b. If the site does not have a public street frontage, a copy of the permit shall be posted at a location where the permit is readable from a common access driveway or roadway.
3. **Presentation of Permit.** During removal of any ordinance-size trees pursuant to this permit, the applicant shall maintain the validated permit on the site and present it immediately upon request by the Director of Planning, Building and Code Enforcement, Police Officers or their designee.
4. **Permit Expiration.** This Tree Removal Permit shall automatically expire eight months from and after the date of issuance hereof by said Director if within such eight month period removal of said trees has not commenced, pursuant to and in accordance with the provisions of this Tree Removal Permit. The date of issuance is the date this Permit is approved by the Director of Planning.

The Director's decision may be appealed to the Planning Commission by submitting a completed Notice of Appeal on the form available in the Department of City Planning and Building and a \$2,232.00 fee. The appeal must be delivered in person and received on or before **5:00 p.m., September 12, 2016.**

If the Director's decision is not appealed, this Permit may be executed and the trees removed the day following this appeal period. A copy of the Validated Permit will be mailed to you, and available in the Planning Department located on the 3<sup>rd</sup> Floor Tower of City Hall. If the decision is appealed, your Project Manager will notify you; you may not execute the Permit or remove the trees until after the Planning Commission makes a decision on the appeal.

**APPROVED** and issued by the Director of Planning on this day, **August 31, 2016.**

HARRY FREITAS, DIRECTOR  
Planning, Building and Code Enforcement

Deputy

**PLEASE NOTE: Permit not valid for tree removal until after  
September 12, 2016 and until countersigned below:**

**PERMIT VALID ON SEPTEMBER 13, 2016.**

HARRY FREITAS, DIRECTOR  
Planning, Building and Code Enforcement

Deputy

